

United States Department of Agriculture  
Animal and Plant Health Inspection Service

# WS Directive

4.135 10/07/05

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REQUESTS FOR INFORMATION

1. PURPOSE

To provide guidelines for proper response to requests for and disclosure of information.

2. REPLACEMENT HIGHLIGHTS

This directive revises WS Directive 4.135 dated 06/28/04.

3. POLICY

Wildlife Services (WS) will provide information to the public upon request, unless the information requested is specifically protected from disclosure under the Freedom of Information Act (FOIA) or Privacy Act provisions. All FOIA requests for Animal and Plant Health Inspection Service (APHIS) documents must be responded to by the APHIS FOIA Officer of the Legislative and Public Affairs (LPA), Riverdale, Maryland.

A request for access to records that contain personal information about an employee must be referred to the APHIS FOIA Officer. All requests for personal information (except employee access to their personnel records) will be treated as requests under provisions of both FOIA and the Privacy Act.

By law, material in the possession and control of APHIS that qualifies as a record and is not exempt from disclosure under the FOIA or Privacy Act provisions will be made available by the APHIS FOIA Officer upon written request. This includes, but is not limited to, photographs, slides, and computer records.

4. BACKGROUND

a. Freedom of Information Act. FOIA is a disclosure statute designed to allow the public access to documents held by administrative agencies of the Executive Branch of the Federal Government. The intent of the FOIA is to provide, in a timely manner, access to Federal records that already exist, not to create records or to respond to questions through dialogue.

Requesters may ask for any Agency record. The APHIS FOIA Officer makes the determination of what information should be withheld based on nine exemptions established in the Act. Information may not be withheld unless it specifically falls under one of the nine exemptions. Refer to APHIS Directive 156.1, Freedom of Information Act/Privacy Act Guidelines, for a list of exemptions.

The APHIS FOIA Officer is the only official who can deny information under the FOIA.

b. Privacy Act. The Privacy Act provides requirements for collecting, maintaining, and disclosing personal information obtained by Government offices from or about individuals and contained in a system of records.

Personal information obtained by Government offices from or about individuals is protected from disclosure by the Privacy Act.

Personal information includes, but is not limited to:

1. Home address.
2. Home telephone number.
3. Social Security Number.
4. Personal financial data (except salary).
5. Medical records.
6. Religious affiliation.
7. Educational attainments.

## 5. PROCEDURES

a. All requests for information that fall under FOIA should be sent directly to the WS FOIA Liaison, USDA/APHIS/WS, Operational Support Staff (OSS), 4700 River Road, Unit 87, Riverdale, Maryland 20737-1234. Questions may be directed to the WS FOIA Liaison at 301/734-7921 for guidance. The WS FOIA Liaison will forward the request to the APHIS FOIA Officer. It is the APHIS FOIA Officer's discretion to apply FOIA regulations to requests for information that do not specifically mention the FOIA.

b. After FOIA requests are received and recorded by the APHIS FOIA Officer, they are returned to the WS FOIA Liaison. The WS FOIA Liaison is responsible for ensuring that a thorough search has been conducted and that all documents requested are either provided or accounted for (i.e., documents do not exist, documents have been disposed of in accordance with Agency record retention guidelines, documents exist in another program area, etc.).

When responding to a FOIA request from the WS FOIA Liaison, send all requested records by the deadline provided either by fax or overnight mail. The APHIS FOIA Officer will determine releasability and respond to the requester in writing. Also, if necessary, attach a memorandum with the documents and express any concerns of the enclosed material or identify any sections of the documents to which the APHIS FOIA Officer should pay particular attention. If the requested information does not exist, has been disposed of, or is located in another program area, notify the WS FOIA Liaison.

Examples of documents which should be referred to the WS FOIA Liaison are:

1. Letters, memorandums, reports, or other documents of questionable releasability.
2. Documents containing special handling notations or warning notices, i.e., "FOR OFFICIAL USE ONLY" material.
3. Documents created by private industry, State government, other Federal agencies, or foreign governments.
4. Documents classified by the WS Deputy Administrator as "Internal use only".

Additionally, requests for specific information on acreage owned and/or leased by a cooperator, the number of livestock owned by a cooperator, or economic losses, etc., should also be referred to the WS FOIA Liaison.

c. Keep track of the time spent on searching and reviewing records. The APHIS FOIA Officer may assess fees based on the number of copies and search and review time. Fees must exceed \$25.00 to be assessed.

d. All letters from members of Congress must be forwarded to the Director of OSS for delivery to LPA, Executive Correspondence Staff, Riverdale, Maryland, for reply.

## 6. DISCLOSURE OF INFORMATION

a. FOIA provides provisions for disclosure of certain Agency records.

1. Records concerning Agency publications and records currently published in the Federal Register for guidance of the public including organization of the Agency, functions, rules of procedure, substantive rules, and statements of general policy are automatically disclosed under 5 U.S.C. § 552(a)(1)(A-E).

(i). Included in this category are WS regulations, Federal Register articles, and publications such as WS and National Wildlife Research Program Highlights.

(ii). Other routine records where there is no question of releasability.

2. Reading room access information, i.e., information, though not automatically published, is made accessible to the public such as final opinions (decisions) of the Agency, adjudications of administrative agencies, specific policy statements, certain administrative staff manuals, and indices in order to better access public information.

(i). APHIS Directives, WS Directives, informational material designed for the public or located on the WS web-page, National Environmental Policy Act documents, OSS approved Fiscal Year (FY) Annual Tables and State FY Annual Reports, as well as frequently requested FOIA information to be disclosed electronically under e-FOIA provisions.

(ii). General information about WS.

b. The Privacy Act provides provisions for disclosure of certain personal information.

1. The Privacy Act authorizes agencies to disclose information about individuals under a "routine use". A "routine use" is defined as a disclosure of a record(s) outside of the agency for a purpose which is compatible with the purpose for which it was collected. 5 U.S.C. § 552a(a)(7)(b)(3).

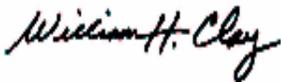
The Privacy Act requires that a description of the "routine uses" be provided in a Systems of Records Notice which is published in the Federal Register. The Privacy Act System of Records Notice describes the information and provides notice to the public of under what circumstances and to whom the Agency would disclose such personal information contained in Privacy Act files.

2. An agency must keep an accounting of each disclosure to another person or to another agency – this includes requests made under "routine uses" and made by law enforcement agencies.

## 7. REFERENCES

Animal and Plant Health Inspection Service, Communications Guidelines to All APHIS Employees (9/23/04).  
Animal and Plant Health Inspection Service, Directive 156.1, Freedom of Information Act/Privacy Act Guidelines (10/19/82).  
<http://www.aphis.usda.gov/library/directives/pdf/156-1.pdf>  
Animal and Plant Health Inspection Service, Directive 1510.1, Communications with Offices of Members of Congress, the Office of Management and Budget, and the Office of Budget and Program Analysis (10/25/96).  
<http://www.aphis.usda.gov/library/directives/pdf/1510-1.pdf>  
Freedom of Information Act, as Amended in 2002. 5 U.S.C. Section 552. <http://www.usdoj.gov/04foia/foiastat.htm>  
Freedom of Information Act Guide, May 2004, FOIA Reading Rooms. <http://www.usdoj.gov/oip/readingroom.htm>  
Office of the General Counsel, Guidance Memorandum Concerning Release of Published Materials (undated).  
Office of Management and Budget, Circular A-130, Memorandum for the Heads of Executive Department and Agencies, Management of Federal Information Resources.  
<http://www.whitehouse.gov/omb/circulars/a130/a130trans4.html>  
Office of Management and Budget, M-99-05, Attachment A, Memorandum for the Heads of Executive Department and Agencies,

Privacy and Personal Information in Federal Records (5/14/98).  
<http://www.whitehouse.gov/omb/memoranda/m99-05-a.html>  
Office of Management and Budget, M-99-05, Attachment B,  
Instructions for Complying with the President's Memorandum of  
May 14, 1998, "Privacy and Personal Information in Federal  
Records". [http://www.whitehouse.gov/omb/memoranda/m99-05-  
b.html](http://www.whitehouse.gov/omb/memoranda/m99-05-b.html)  
The Privacy Act of 1974, 5 U.S.C. Section 552a, as Amended.  
<http://www.usdoj.gov/foia/privstat.htm>  
United States Department of Agriculture, Freedom of Information  
Act Regulations, August 28, 2000.  
<http://www.usda.gov/news/foia/regulation.htm>



Deputy Administrator